

Application No.: 10/657,440
Filing Date: September 8th, 2003

REMARKS

No Claim has been amended. Accordingly, no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Declaration

The Office Action states:

Further, the disclosure of Uber would make the claimed specific pattern of the injection rate recited in Claims 1, 8, and 11 obvious to try. "Where there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.

In view of the above, Applicant submits herewith a Declaration under 37 C.F.R. §1.132, showing unexpected advantage that created by the injection pattern of the presently-claimed invention. The experimental data indicate that the CT value maintained the optimum level for a significantly long period of time with the injection pattern B and C. Applicant respectfully requests full consideration of the declaration.

Response to Arguments

The presently-claimed invention utilizes the CT value and successfully defines the optimum injection pattern. On contrary, the cited reference does not recognize the CT value, and does not offer any objective foundation for the optimization, instead simply relies on personal satisfaction of the user. (column 5, line 56). Consequently, the cited reference suggests a trial and error to optimize the system. (column 5, line 50-56). Accordingly, rather than containing a finite number of predictable solutions, the prior art actually contains a nearly infinite number of possible solutions. As a result, the particularly claimed solution cannot be considered "obvious to try" as argued by the Examiner. For at least these reasons, the Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 1- 17 has been rejected under 35 USC § 103, as being unpatentable over Uber, III et al. (US 5,840,026).

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The cited reference discloses a contrast delivery system with a varying injection rate. However the reference fails to teach the specific pattern of the injection rate recited in Claims 1, 8, and 11. As stated above, it requires accumulation of the data for optimization of the system (column 5, line 56 ~64). Further, the claimed pattern leads to better contrast images of the subject, economical use of the contrast medium and contribution to less risk to the subject's health (page 13, line 8-14). Thus, as described above, the rejection of Claims 1, 8, and 11, as well as the dependent claims, on this ground cannot be maintained. Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

In light of the Applicant's foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 10, 2008

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